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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,305	04/10/2001	Robert A. Kronenberger	130.00095	2960

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WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER
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EXAMINER

GART, MATTHEW S

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/833,305

Applicant(s)

KRONENBERGER, ROBERT A.

Examiner

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-12, 14-20 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-12, 14-20 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 3-12, 14-20 and 23-25 are pending in the instant application.

Drawings

The drawings were received on 11/25/2004. The examiner accepts these drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 3-8, 10, 19-20 and 23-25 are rejected under 35 U.S.C. 102(a) based upon a public use of the invention (Branders.com). The following references are provided as proof:

PTO-892, Ref U, Page 1 *"Quaartz Inc. and Branders.com Partner to Advance The 'Dot Com' Customer Experience,"* Business Editors, Business Wire, New York, May 15, 2000, page 1.

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PTO-892, Ref V, Page 1 "*Small business holiday gift ideas*," Jane Applegate,
Chicago Sun Times, Chicago, Ill, October 24, 2000,
page 52.

PTO-892, Ref W, Page 1 "*Online Promotional Products Leaders, Branders.com
and eCompanyStore, Form Alliance*," Business
Editors/High Tech Writers, Business Wire, NY, July
18, 2000, page 1.

PTO-892, Ref X, Page 1 "*Scotches-R-Us*," PR Newswire, Potomac, July 10,
2000, Volume 55, Issue 28, page 1.

Referring to claim 3. Branders.com discloses a method for facilitating sale to a
potential customer of an object over a computer network, said object having a
predetermined three-dimensional shape, the method comprising:

- Over the computer network, providing the potential customer with a display with a plurality of display icons representing different perspective views of a predetermined three-dimensional shape of one object (Ref W: About Branders.com, "Branders.com is the leading online provider of custom-branded promotional products. Branders.com's exclusive 'See Before You Buy' allows companies to interactively find, brand and buy promotional products online, with the immediate ability to see a logo or artwork in 3-D on a product.");

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- Over the computer network, providing the potential customer with a user input for a design element selected by the user to be included on said object (Ref X: "Now you can affix your event logo or brand symbol to everything from hats to shirts to key chains to kitchen sinks. And you can do it electronically.");
- Providing an input for said user to select any of said plurality of display icons (Ref W: About Branders.com); and
- Over the computer network, providing the potential customer with perspective views of the user selected design element on the object represented by the selected display icon, wherein said user inputs are adapted to provide different perspective views of said object with said display element displayed thereon as selected (Ref W: About Branders.com).

Referring to claim 4. Branders.com further discloses a method wherein said display icons represent a plurality of different objects, including a plurality of different perspective views for each object (Ref W: About Branders.com, "Branders.com is the leading online provider of custom-branded promotional products. Branders.com's exclusive 'See Before You Buy' allows companies to interactively find, brand and buy promotional products online, with the immediate ability to see a logo or artwork in 3-D on a product.").

Referring to claim 5. Branders.com further discloses a method wherein said object is a cap (Ref X: "Now you can affix your event logo or brand symbol to everything from hats to shirts to key chains to kitchen sinks. And you can do it electronically.").

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Referring to claim 6. Branders.com further discloses a method wherein said design element is user created text (Ref V: page 2, "Best of all, by using its Web site, you can design the product with your logo on it yourself, adjusting the color, size, position and adding text if you desire.").

Referring to claim 7. Branders.com further discloses a method wherein said design element may be selected from among a plurality of design elements, where user selected text may be included in at least one of said plurality of design elements (Ref V: page 2, "Best of all, by using its Web site, you can design the product with your logo on it yourself, adjusting the color, size, position and adding text if you desire.").

Referring to claim 8. Branders further discloses a method comprising providing a user input for selecting among different portions of the object for placement of the design element (Ref V: page 2, "Best of all, by using its Web site, you can design the product with your logo on it yourself, adjusting the color, size, position and adding text if you desire.").

Referring to claim 10. Branders.com further discloses a method comprising providing a user input for ordering the object with the user selected design element and receiving a user order from said user input for ordering the objects with the user selected design element (Ref U: page 1, "Quaartz Inc., the pioneering Internet affinity marketing services company, today announced that Branders.com, the largest online promotional products source, has chosen Quaartz's Consulting Services division to implement technological advancements for its online systems that handle order processing and credit card clearing.")

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Referring to claims 19-20 and 23-25. Claims 19-20 and 23-25 are rejected under the same rationale as set forth above in claims 3-8 and 10.

Claims 11-12 and 15-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Spclevents.com (PTO-892, Ref U, Page 2)

Referring to claim 11. Spclevents.com discloses a method for facilitating sale of caps over the Internet, comprising:

- Over the Internet, providing a user input for selecting at least one display icon representing a cap offered for sale (Spclevents.com, page 1, "Hats");
- Over the Internet, providing a user input for creating text to be included on said cap (Spclevents.com, page 4, "Whether you want a cap with your ship's name and hull number or with dates of service, we can provide it!");
- Over the Internet, providing a display illustrating the cap represented by the selected display icon with the user created text at the user selected location on said cap (Spclevents.com, page 4).

Referring to claim 12. Spclevents.com further discloses a method wherein a plurality of display icons are provided, and each of said display icons represent different cap designs (Spclevents.com, page 4, "Custom Made Crew Cap or Custom Made Officer Cap").

Referring to claim 15. Spclevents.com further discloses a method comprising providing a user input for a user selection of the location on said cap for placing said

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user created text (Spclevents.com, page 4, "Whether you want a cap with your ship's name and hull number or with dates of service, we can provide it!").

Referring to claim 16. Spclevents.com further comprises providing over the Internet, a user input for selecting among different portions of the cap represented by the selected display icon for placement of the user created text (Spclevents.com, page 4).

Referring to claim 17. Spclevents.com further comprises a method wherein said cap includes a crown and a visor, and said cap portions include at least one segment of the crown and the visor (Spclevents.com, page 4).

Referring to claim 18. Spclevents.com further comprises providing a user input for ordering the cap with the user created text and receiving a user order from said user input for ordering the cap with the user created text (Spclevents.com, page 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over a public use of Branders.com in view of Spclevents.com (PTO-892, Ref U, Page 2).

Referring to claim 9. Branders.com discloses a method according to claim 8 as indicated supra. Branders.com does not expressly disclose a method wherein said

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object is a cap having a crown and visor, and said object portions include at least one segment of the crown and the visor. Spclevents.com discloses a method wherein said object is a cap having a crown and visor, and said object portions include at least one segment of the crown and the visor (Spclevents.com, page 4). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Branders to have included the teachings of Spclevents.com as discussed above in order to customize ball caps for all occasions and special events (Spclevents.com, page 4).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spclevents.com (PTO-892, Ref U, Page 2) in view of a public use of Branders.com.

Referring to claim 14. Spclevents.com discloses a method according to claim 11 as indicated supra. Spclevents.com does not expressly disclose a method wherein a plurality of display icons are provided, and each of said display icons represent different perspective views of one cap design. Branders.com discloses a method wherein a plurality of display icons are provided, and each of said display icons represent different perspective views of one cap design. (Ref W: About Branders.com, "Branders.com is the leading online provider of custom-branded promotional products. Branders.com's exclusive 'See Before You Buy' allows companies to interactively find, brand and buy promotional products online, with the immediate ability to see a logo or artwork in 3-D on a product."). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Spclevents.com to have included

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the teachings of Branders.com as discussed above in order to offer an online ordering system that allows customers to preview what their finished product will look like, before the job is approved for production (Ref X: Full Text).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
January 4, 2005